



# School Leader Update

A MONTHLY JOURNAL  
FOR IOWA EDUCATORS

October 2017

## New state assessments announced

The Iowa Department of Education today announced the winning bidder for new statewide assessments of student progress in English language arts, mathematics and science to be given in the 2018-19 school year.

A formal notice of intent to award was issued naming a proposal from American Institutes for Research, an independent nonprofit organization. AIR's proposal for an assessment called Independent College and Career Readiness Solution scored highest overall in a competitive-bidding process that followed criteria set by Iowa lawmakers this year.

[Read more](#)



## In This Issue

- Licensing system tips..Pg. 2
- Blue Ribbon Schools..Pg. 3
- ESSA final plan..Pg. 10

## A short list, a tall order

A few weeks ago I started carrying around a piece of paper with five items written in large print:

- Every Student Succeeds Act (ESSA)
- Assessment
- Future Ready Iowa
- Computer Science
- Instructional Frameworks

While my daily schedule jumps across dozens of issues, I've tried to focus the bulk of my time, attention and energy this month on these critical topics. I'll highlight the first two of these in this month's column and share important updates on the remaining three in November.



**Director Ryan Wise**

I breathed a huge sigh of relief on September 18 as the Department submitted Iowa's Every Student Succeeds Act plan to the US Department of Education. This plan was the culmination of over a year of deep, sustained engagement with stakeholders from around the state. As the Department worked to incorporate the third round of feedback into the plan, we paid particular attention to ensuring we had clear and helpful indicators of school performance and a strong articulation of what it means to receive a well-rounded education.

On school accountability, ESSA provides states much more latitude in determining the indicators it will use to determine which schools need additional support. Based on public feedback, the Department adjusted the indicators, the weighting of these indicators, and the implementation timeline over the course of the four drafts of the plan. We ultimately landed on a set of measures that prioritize student achievement, but go beyond simply looking at student proficiency in math and language arts.

*Continued on page 2*



## New licensing system tips

Pass along these tips to your staff so that they can navigate our new licensing system effectively:

1. Check your license type and expiration date under “search for a license”.
2. Submit applications 6-8 weeks prior to when the license is needed. Background checks can take 4-6 weeks, in addition to the time our office needs to process the request. Educators cannot remain in the classroom if their license expires, even if their materials have been submitted.
3. The last step of any application is to click the “submit application” button. This is the confirmation step after submitting payment.
4. All fees are non-refundable as per Iowa Administrative Code 282—12.7(272). Do not submit payment unless you are certain your application and fees are correct. Only select the license type you need (do not select additional licenses or you will be charged).

[Contact any consultant at the BoEE with further questions.](#)

### **Continued from page 1**

Iowa’s measures also look at student growth in these subjects and takes a more holistic view of school performance by adding in a post-secondary readiness index, which will be developed over the next year with stakeholder input, and a conditions for learning index, which will measure student safety, engagement and the school environment through a survey. Importantly, both of these measures will be phased-in over time.

One of the other opportunities provided by

the Every Student Succeeds Act was to create a broader, more holistic vision for the goals of the education system in Iowa. I appreciated hearing from teachers and advocates in physical education and health, social studies, the fine arts, and STEM who wanted to ensure these important subjects were highlighted in the plan so that schools were clear that locally they had the ability, and encouragement, to increase their emphasis on these areas. We also heard from advocates for gifted and talented learners, English Learners, students with disabilities, and early childhood students, all of whom rightfully wanted to ensure the needs of these students were addressed in the plan.

In addition, advocates for school library programs, school counseling services, and social emotional learning passionately shared the importance of these areas in creating healthy and successful schools. Beyond simply mention these areas in the plan, the Department is committed to working with stakeholders to share best practices and effective examples as we move from planning into implementation.

Another important aspect of Iowa’s ESSA plan is the development of academic achievement goals. One of the challenges we faced in setting long-term goals is that this is the final year of our current statewide assessment. It’s nearly impossible to set long-term goals when you have no sense of the measure you’re using. However, on September 28 the Department announced the new [statewide assessment](#), American Institutes for Research, which will allow us to revisit the goal setting process. I’m also eager to engage in the process over the coming months to put this assessment into practice.

## Well-known Department employee dies

Kathy Petosa, perhaps the best-known face and voice of the director’s office at the Iowa Department of Education, passed away unexpectedly of sudden cardiac arrest on Sept. 23. She recently celebrated 50 years of service at the Department. Kathy had served as the assistant to the director since 1987 and supported the work of nine Department directors during this time period.

Kathy was known for her welcoming smile, helpful approach and quick wit. She was truly one-of-a-kind and will be missed.



# Five Iowa schools named 2017 National Blue Ribbon Schools

Five Iowa schools have been named National Blue Ribbon Schools for their overall academic excellence or for their progress in closing achievement gaps among student subgroups. The schools are:

- Charter Oak-Ute Elementary, Charter Oak-Ute Community School District: Closing the achievement gap
- North Kossuth Elementary, North Kossuth Community School District: Closing the achievement gap
- Stilwell Junior High School, West Des Moines Community School District: High performing school
- Tipton Elementary School, Tipton Community School District: High performing school
- Whittier Elementary School, Indianola Community School District: High performing school

U.S. Secretary of Education Betsy DeVos announced the 342 schools as [National Blue Ribbon Schools](#) for 2017.

“Iowa can learn from these schools as our education system continues to make sure every student is prepared for success in and beyond school,” said Iowa Department of Education Director Ryan Wise. “We celebrate Iowa’s Blue Ribbon Schools for their commitment to excellence and for their leadership.”

The National Blue Ribbon Schools Program honors public and private elementary, middle and high schools where students achieve very high learning standards or are making notable improvements in closing the achievement gap.

This coveted award affirms the hard work of educators, families and communities in creating safe and welcoming schools where students master challenging and engaging content.

Now in its 35th year, the National Blue Ribbon Schools Program has bestowed recognition on more than 8,500 schools. On Nov. 6-7, the Secretary and the U.S. Department of Education will celebrate with these honorees at an awards ceremony in Washington, D.C.

All schools are honored in one of two performance categories, based on all student scores, subgroup student scores and graduation rates:

- Exemplary High Performing Schools are among their state’s highest performing schools as measured by state assessments or nationally normed tests.
- Exemplary Achievement Gap Closing Schools are among their state’s highest performing schools in closing achievement gaps between a school’s subgroups and all students over the past five years.

Up to 420 schools may be nominated each year. The Department invites National Blue Ribbon School nominations from the top education official in all states, the District of Columbia, Puerto Rico, the Virgin Islands, the Department of Defense Education Activity and the Bureau of Indian Education. Private schools are nominated by The Council for American Private Education (CAPE).

Brief descriptions of the 2017 National Blue Ribbon Schools are available at <http://www.ed.gov/nationalblueribbonschools>

## It's a plan: Social studies implementation

If there's one thing the Iowa Social Studies Standards Review Team wants educators to know is that implementing the new standards in the classroom is a marathon – not a sprint.

To that end, the State Board of Education learned that it is recommended that educators implement the standards over a three-year period. Throughout that three-year period, educators will learn about the standards gradually. [Read more.](#)



## Professional development for social studies implementation

Professional development is being offered in each area education agency for both elementary and secondary teachers to help support the year one rollout of Iowa's new social studies standards.

These two-day workshops will introduce participants to the standards and build upon the Building Literacy in Social Studies workshops offered in the past. Participants will learn about the vision behind Iowa's new social studies standards as well as the organization, content, and rigor expected by the standards.

The workshop will focus on planning for an inquiry-based classroom. [See a comprehensive list of all opportunities available.](#)

## Iowa's History Teacher of the Year named

A fifth-grade teacher from Pella has been named the state History Teacher of the Year. Rebecca Helland, who teaches at Jefferson Intermediate School, was named by the Gilder Lehrman Institute of American History after being recommended by an Iowa Department of Education committee. The institute's mission is to promote the knowledge and understanding of American history through educational programs and resources. Helland also is a mentor teacher for Pella schools as part of Iowa's teacher leadership system. [Read more.](#)



Rebecca Helland

## Iowa Culture and Language Conference, Nov. 6-8



The Iowa Culture and Language Conference (ICLC) will be held Nov. 6-8, at the Coralville Marriott Hotel and Convention Center.

The mission of the ICLC is to advocate for culturally and/or linguistically diverse students and their families, educators, and service providers.

Pre-conferences will focus on administrative issues, bi-lingual education, equity, literacy, immigration, teachers new to the field of English Language Learner (ELL) and adult ELL strategies. The Iowa Culture and Language Conference will also include substantial content for early childhood teachers and administrators, new staff working with ELLs, classroom strategies and equity and civil rights issues. Registration and further information are available at [lowaclc.com](http://lowaclc.com).

## FY2018 Green Ribbon School applications available

The [U.S. Department of Education Green Ribbon Schools \(ED-GRS\)](#) recognition award honors public and private elementary, middle, and high schools, districts, and Institutions of Higher Education (IHE) that are demonstrating progress in three Pillars:

1. Reducing environmental impact and costs;
2. Improving the health and wellness of students and staff; and
3. Providing effective environmental and sustainability education.



The purpose of the ED-GRS award is to recognize schools, districts, and IHEs progress in the three Pillars by reducing environmental impact and costs; improving health and wellness; and providing effective sustainability education.

Three applications for the GRS program are available through [IowaGrants.gov](#):

Individual School: FY18 Iowa Green Ribbon Schools – School Application

District: FY18 Iowa Green Ribbon Schools – District Sustainability Award Application

College/University: FY18 Iowa Green Ribbon Schools – College Application

Applications must be submitted to the Department by Jan. 10. Nominees demonstrating progress in all three pillars will be ranked highest. Instructions for applying are located on the Department's website: [Green Ribbon Schools](#). Visit the [ED-GRS website](#) to learn about the GRS program. For assistance, contact at 515-281-4743 or [gary.schwartz@iowa.gov](mailto:gary.schwartz@iowa.gov).

## Consultant honored for work in Partners in Education

*"I always ask, 'How can we work together to help kids? Can we go beyond just the bare minimum to serve kids?'"*

Such is the philosophy of Vic Jaras, a consultant in the bureau of Standards and Curriculum with the Iowa Department of Education, and a recipient of the 2017 Partners in Education award from the Council Bluffs Community School District (CBCSD). Partners in education are people who go beyond academics by contributing their time, expertise, or financial resources to help supplement education and contribute to student success. [Read more.](#)



Vic Jaras (left), 2017 Partners in Education award recipient, pictured with Tim Hamilton, Executive Director of Student and Family Services, and Dr. Vickie Murillo, Superintendent, for the Council Bluffs Community School District.

## Ryan Wise named NASBE Policy Leader of the year

Ryan Wise, the director of the Iowa Department of Education, has been named the National Association of State Boards of Education's (NASBE) 2017 Policy Leader of Year. Wise, who has been Iowa's education chief since 2015, was nominated by State Board of Education Member Brooke Axiotis, who is a member of NASBE's board of directors.

The award is given annually to a national or state policymaker in recognition of his or her contributions to education.

[Read more.](#)

[Director Ryan Wise reflects on the state of Iowa's education.](#)

## Spring enrollment now open with Iowa Learning Online

Iowa Learning Online (ILO) is accepting enrollments for the spring 2018 semester. To better meet individual student needs and diverse schedules of Iowa schools, ILO will offer two separate cohorts during the term offset by two weeks.

Spring 2018 Cohort A: Jan. 2 to May 4 (early enrollment ends at 4 p.m. Tuesday, Jan. 16)

Spring 2018 Cohort B: Jan. 16 to May 18 (early enrollment ends at 4 p.m. Monday, Jan. 29)

Each standard enrollment in Cohort A or B includes a four-week trial/grace period. After the grace period, the local school will be billed a \$260 fee per enrollment. If a school/student situation does not fit within either cohort (such as a late enrollment), schools may contact ILO to discuss options for a special accommodation. View the [course descriptions](#), [log in](#) or [sign up](#) to enroll students.

**IOWA** Learning Online

## Mathematics networks vs. communities

It takes a community to ensure all students in Iowa are college and career ready in mathematics. We are smarter together than individually and it takes all of us.

Last year, virtual mathematics networks gave educators groups of interconnected people. That served a purpose, but educators are more than just a group of interconnected people. They are relational. This year we are growing virtual mathematics communities because communities have something in common and interact.



Call to Action: Join a math community today and participate as much or as little as you like in G+ groups, Twitter Chats, webinars, or just receive the e-mail updates.

Current 2017-18 IA Mathematics Communities (anticipating more will form and grow yet this year):

- Core Advocates (Shifts and Standards) - [Join Here](#)
- Principles to Actions (Effective Instructional Practices) - [Join here](#)
- Number Sense (K-2) - [Join Here](#)

For questions, contact April Pforts at 515-314-6243 or [april.pforts@iowa.gov](mailto:april.pforts@iowa.gov).

## New cybersecurity product launched by ICN

Iowa Communications Network (ICN) launched BoronDDoS as its second premier security product in the Spectra Security Suite. The cybersecurity service delivers a strong layered mitigation defense against Distributed Denial of Service (DDoS) attacks for Iowa's education users who receive Internet services from ICN.

The BoronDDoS solution provides a layered approach for protection with two service options available.

- Battalion Level (Gold) - Automatic Detection and Mitigation Plan
- Platoon Level (Silver) - Monitored and Detection Plan

The standard features consist of installation, configuration, administration, monitoring, maintenance, and support.

DDoS attacks are happening more often and increasing in severity and duration. According to the 2016 Arbor Networks' Worldwide Infrastructure

Security Report, DDoS is the most common threat experienced by enterprise, government and education respondents during 2016. To learn more about BoronDDoS visit ICN's [website](#).



# Iowa educators named state finalists for nation's highest honor in math, science, teaching

Four Iowa educators have been named state finalists for the Presidential Awards for Excellence in Mathematics and Science Teaching.

The two math finalists are:

- Rachel Giesmann, high school teacher at Mediapolis High School, Mediapolis
- Maria "Gabby" Granadillo, middle school teacher at McKinley Middle School, Cedar Rapids

The two science finalists are:

- Mike Todd, high school teacher at Ames High School, Ames
- Mike Wedge, high school teacher at Sibley-Ocheyedan High School, Sibley

"These teachers are an inspiration to their students, colleagues and communities," said Iowa Department of Education Director Ryan Wise. "As Iowa grows its commitment to science, technology, engineering and mathematics education, their leadership is especially important."

The Presidential Awards for Excellence in Mathematics and Science Teaching are the nation's highest honors for kindergarten through 12th grade educators of math and science.

More than 4,700 teachers from each of the 50 states and four U.S. jurisdictions have been recognized since Congress created the program in 1983. The awards are administered by the National Science Foundation on behalf of the White House Office of Science and Technology Policy.

Recognized for their contributions in the classroom and their profession, award recipients are leaders in the improvement of math and science education and role models for their colleagues and in their communities.

Award recipients receive a paid trip for two to Washington, D.C., to attend recognition events and pursue professional development opportunities, a \$10,000 award from the National Science Foundation and a certificate signed by the president of the United States. [Read more.](#)



Rachel Giesmann, high school teacher at Mediapolis High School, Mediapolis



Maria "Gabby" Granadillo, middle school teacher at McKinley Middle School, Cedar Rapids



Mike Todd, high school teacher at Ames High School, Ames



Mike Wedge, high school teacher at Sibley-Ocheyedan High School, Sibley

## Iowa Adult Education and Family Literacy Week

Gov. Kim Reynolds signed a proclamation recognizing Sept. 24 – 30 as Iowa Adult Education and Family Literacy Week.

The week, which coincides with the National Adult Education and Literacy Week, shines a light on the work Iowa's adult education and literacy programs do in helping Iowans achieve the skills and training needed for college and careers.

According to the National Coalition for Literacy, more than 36 million adults struggle with basic literacy and 60 million lack basic math skills. Additionally, data from the Future Ready Iowa Metrics that Matter report indicate that Iowans who lack education or training beyond high school are more likely to be unemployed, working low-wage jobs, and living in poverty than those with higher levels of education. Currently, more than 171,000 adults across the state lack high school diplomas.

[Read more.](#)

Iowa Adult Education  
and  
Family Literacy Week

## Test-driving careers

A car, much like a career, can look great based on pictures and reviews, but once inside you might feel entirely different about it. For that reason, most people wouldn't purchase a new car without first taking it for test drive. Yet, high school students often choose a career path, one of the biggest financial and professional decisions of their lives, with little to no real-world, test-driving experience.

But that is changing for high school students across the state.

[The Iowa Intermediary Network](#), a statewide network comprised of 15 community college regions that work with every Iowa school district, is helping high school students test drive careers so they can make informed decisions about future college majors and job training. [Read more.](#)



Students in the Northeast Iowa Career Learning Link's pre-employment strategies credit summer course visited Iowa Workforce Development in Decorah.

## Life-changing ingredients

"They asked me to name the two main ingredients in hollandaise sauce, and I didn't know," recalls Joy Jackson of her failed interview attempt for a culinary job at a Columbia, Mo., Holiday Inn.

"I would never miss that now," she said. "It's one of the first things I learned as a student in the culinary arts program at Scott Community College."

Jackson represents a growing segment of the working adult population returning to school to enhance skill sets to qualify for good-paying jobs. According to the National Center for Education Statistics, enrollment of adults age 25 and older in degree-granting institutions is expected to increase 18 percent over a 10-year period ending in 2025.

But for many, Jackson included, earning a high school equivalency diploma is the necessary first step. Her story demonstrates the importance of adult education and literacy programs in helping thousands of Iowans each year achieve the skills and training needed for college and careers.

[Read more.](#)



Joy Jackson graduated from Scott Community College in May with an AAS Culinary Arts Apprenticeship degree.

## Family, school partnerships needed

Do you or someone you know have a great family and school partnership for children receiving special education services and supports? The Iowa

Department of Education wants to hear from you.

Since there is a lack of consistent family and school partnership practices in the state, the Department is looking for promising practices – whether it's a program, service, strategy or policy that shows potential for developing into an evidence-based practice. Promising practices can be in the early stage of implementation.



Nomination and application papers will be available soon. For questions, contact Kim Drew at 515-281-5265 or [kim.drew@iowa.gov](mailto:kim.drew@iowa.gov), or contact [deb@askresource.org](mailto:deb@askresource.org).

## The struggle from within

Don't be a stranger, the saying goes. Yet most teachers are just that at the beginning of the school year.

To be sure, it can be unsettling for students. But it can be downright jarring for parents who have children on Individualized Education Programs. "Will the teacher do what's best for my child?" is a common question asked among parents. "And will the teacher even know what's best for my child?"

[Read more.](#)



Susan and Bob Selby with their sons Jack (left) and Tommy along with their family dogs Dave and Georgia.

## When Mitchell descended into the spectrum



Kathy Wilcox with Mitchell

Kathy Wilcox took 15-month-old Mitchell to Burger King one day for chicken nuggets. Nothing particularly memorable. Until.

"He looked right at me, and said, 'Mom I love you,' and it was like he knew something was happening," Wilcox said. Something was happening. Mitchell descended into the thick murkiness of the autism spectrum. The little boy who had been particularly advanced for his age drifted backward, his speech gone, his eye contact non-existent. [Read more.](#)

## Data and Reporting

### Student Reporting in Iowa reminders

A couple of quick reminders for school districts from the Student Reporting in Iowa (SRI) team:

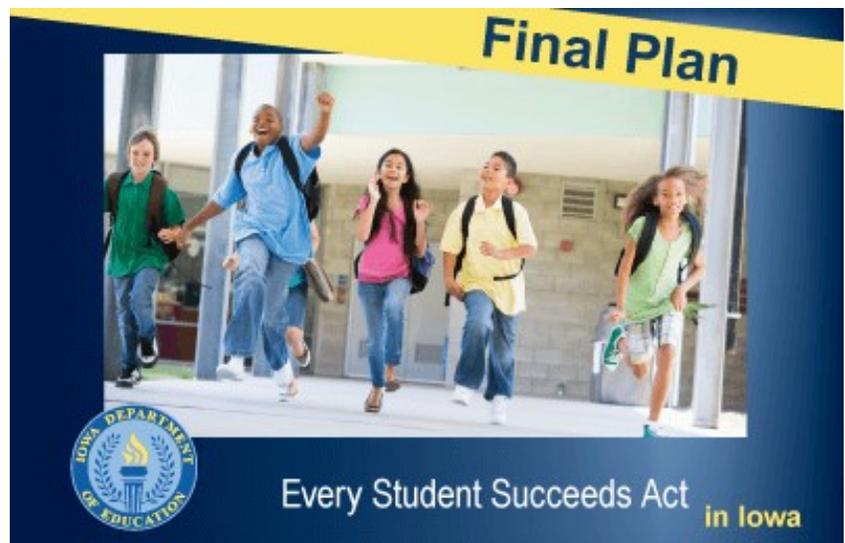
- Count Day this year for Certified Enrollment is Monday, Oct. 2. Only students being served on that day are eligible for funding. Students expected to move into your district and students that may come back any day should not be part of your count.
- Per Iowa Code, the certification deadline for Certified Enrollment (public and nonpublic) is Sunday, Oct. 15. Be advised, there will be no SRI consultants available to assist districts on Saturday or Sunday of that weekend.
- Districts are encouraged to wait until the November board meeting to share any counts from Certified Enrollment with their school board or the public.
- Gold Star Districts will be posted in the December edition of the School Leader Update.

### ESSA plan submitted to U.S. Department of Education

After more than a year of development, collection of feedback and revision, the Iowa Department of Education submitted to the U.S. Department of Education its plan for meeting requirements of the federal Every Student Succeeds Act.

ESSA, a reauthorization of the Elementary and Secondary Education Act of 1965, was signed in 2015 and requires each state to have a plan for implementing the law. ESSA maintains the former No Child Left Behind Act's focus on school accountability and equity for all students while shifting decision-making back to states and local school districts.

[Read more.](#)



# Early Childhood Preschool Programs

## Iowa Quality Preschool Program Standards

The State Board of Education approved the revisions of the Iowa Quality Preschool Program Standards (IQPPS) in January 2017. The IQPPS are one of three program standards approved to be implemented by districts and community partners operating the Statewide Voluntary Preschool Program and preschool classrooms providing early childhood special education services. The two other program standards approved by the State Board of Education are the National Association for the Education of Young Children (NAEYC) Program Standards and Accreditation Criteria and the Head Start Program Performance Standards.

It is the expectation that the revised IQPPS (2017) will be implemented by classrooms following IQPPS beginning fall 2017. This includes any districts that have been formerly notified that they will have an onsite visit during the 2017-18 school year. This also includes districts that have agreed to participate in the pilot portion of the Preschool Desk Audit for submission of Evidence of IQPPS Implementation. All school administrators should share this information with Statewide Voluntary Preschool Program community partners and community-based programs providing early childhood special education services that are implementing IQPPS.

The complete IQPPS criteria, and other resources to support implementation, are posted on the Department of Education's website under the [Early Childhood Standards page](#).

For questions about the IQPPS (2017), contact Dee Gethmann at 515-281-5502 or [dee.gethmann@iowa.gov](mailto:dee.gethmann@iowa.gov) or Jennifer Ad-

## Transferring GOLD child records

When a child is leaving a program or when a child has arrived in a program, a transfer request will be needed for GOLD. All requests for child transfer between programs under the Iowa Umbrella Agreement for Teaching Strategies GOLD must be submitted to Tim Glenn at the Iowa Department of Education. Programs under the Iowa Umbrella Agreement for Teaching Strategies GOLD will now utilize a revised form for completing transfers in GOLD.

The revised transfer form will be posted to the web pages for the [Statewide Voluntary Preschool Program](#), [Shared Visions Preschool Program](#), and the [Teaching Strategies in Iowa](#) dedicated page. Programs with a transfer request should:

1. Enter all information into the revised GOLD Transfer Form.
2. Password protect the revised GOLD Transfer Form.
3. Send the password protected GOLD Transfer Form to [tim.glenn@iowa.gov](mailto:tim.glenn@iowa.gov). The message with the form attached should not include the password for the form.
4. Send the password to open the GOLD Transfer Form in a separate e-mail message to [tim.glenn@iowa.gov](mailto:tim.glenn@iowa.gov). No personally identifiable information should be included in any email message body or subject heading.

Once the transfer form is submitted, all of the student's records will be transferred to the receiving program/classroom, except in the case where a student attends two separate preschool classrooms. The Department of Education will notify the receiving program that a student has been transferred its classroom with multiple student records and request that they be merged into one complete record. For questions about this process, contact [tim.glenn@iowa.gov](mailto:tim.glenn@iowa.gov).

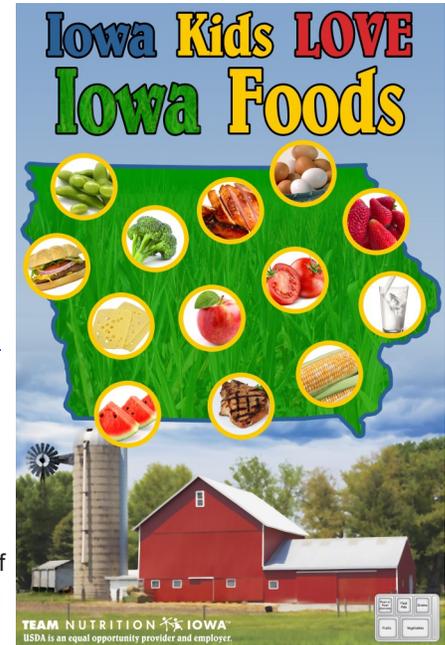
# Nutrition and Health Services

## Celebrate National Farm to School month in October

October is National Farm to School month, a time to celebrate the connections happening all over the country between children and local food. There are many ways to get involved.

- **Promote** - Find logos, posters and more at [farmtoschool.org](http://farmtoschool.org) .
- **Taste test** - Sample local products or feature a special local item for lunch.
- **Plan educational activities:**
  - ◇ [Farm to Plate Game](#): includes the steps food takes before ending up on a plate.
  - ◇ Check out kits, books or resources from the [Iowa Agriculture Literacy Foundation's Lending Library](#) .
  - ◇ Invite a local farmer to present or host a virtual session.
  - ◇ Showcase your school garden.

**Share your story** - Tell us how you're celebrating and be entered to win collection of prizes: five-gallon salad spinner, totes of farm to classroom supplies, a grow light, and more. E-mail a description of your activities and photos to [schoolmeals@iowa.gov](mailto:schoolmeals@iowa.gov).



## Nutrition programs Authorized Representative responsibilities

The School Nutrition Authorized Representative identified in IowaCNP application is the point of contact for the district or school for the Iowa Department of Education in matters of the School Nutrition Programs. It is the Authorized Representative's responsibility to ensure program compliance by acting on information or guidance provided by the Department or to distribute it to the appropriate staff member to act, respond, or implement.

In some schools, this is the school nutrition director. In other schools, the essential functions of the school nutrition programs are divided and the Authorized Representative delegates school nutrition functions to more than one individual. In schools that contract with a Food Service Management Company, the Authorized Representative must ensure that the contractor is fulfilling the United States Department of Agriculture requirements.

Continuing education is an annual part of school nutrition and [this document with a decision tree](#) on the last page will help determine training requirements for the Authorized Representative. If you have questions, contact Patti Harding at 515-281-4754 or [patti.harding@iowa.gov](mailto:patti.harding@iowa.gov), or Ann Feilmann at 515-281-4757 or [ann.feilmann@iowa.gov](mailto:ann.feilmann@iowa.gov).



## Legal Lessons

Contact Nicole Proesch for all Legal Lessons items: [nicole.proesch@iowa.gov](mailto:nicole.proesch@iowa.gov) or 515-281-8661

### Fall fun, Good Conduct Policies, changes in sexual exploitation laws, and Administrative Rules update

Fall is finally here. It's time for pumpkin spice lattes, trips to the apple orchard and the pumpkin patch, and of course some fall football with a few hits from the marching band. We have already made it to our first football game and we were right in the end zone where all the action was. The kids got to be right up close to the cheerleaders and they got to meet Herky, too.

However, my son wasn't impressed and chose not to pose with Herky because he is exclusively a self-proclaimed cyclone. Apparently, we are a house divided and officially I am a Mustang and a Bulldog but who's counting. We had so much fun watching the game and being part of the excitement. It reminded me of being in high school and going to high school football games, volleyball matches, basketball games, fall concerts and other events. I hope you can get out this year and cheer on your teams. It's a great way to create team spirit and have fun too.



Now, in this fall edition of Legal Lessons I bring you a review of Good Conduct Policies, Sexual Exploitation Changes in the Law, and an Administrative Rules Update.

#### A review of Good Conduct Policies

As we begin a new school year and extracurricular activities start back, it is a good time to review Good Conduct Policies that you have in place. School districts have the authority to promulgate rules for the governance of their own students. Under Iowa Code section 279.8, a local school board "shall make rules for its own government and that of the . . . pupils, and for the care of the school house, grounds, and property of the school corporation, and shall aid in the enforcement of the rules, and require the performance of duties imposed by laws and rules." Inherent in this law is the school board's authority to adopt and enforce a Good Conduct Policy. In *Bunger v. Iowa High School Athletic Association*, 197 N.W. 2d 555, 564 (Iowa 1972), the Iowa Supreme Court ruled that schools and school districts may govern out of school conduct of its students who participate in extracurricular activities because those student are leaders who are looked up to and other students emulate. Those students also represent the school and depict the character of the school. *Id.*

The State Board of Education follows several principals when reviewing good conduct appeals that are brought before them. Those principals were established in *Brands v. Sheldon Community School District*, 671 F. Supp. 627, 630-631 (N.D. Iowa 1972):

Those principals are as follows:

- 1) A secondary student has no "right" to participate in interscholastic athletics or other extracurricular activities.
- 2) Since there is no right to participate, the amount of due process owed to a student in such cases is minimal. Due process requires only two elements: 1) the student must be told what he is accused of; and 2) the student must be given an opportunity to tell his side of the story.
- 3) In order for a student to be disciplined under a school's good conduct policy there need only be "some evidence" that a student violated the policy. *Id.* Due process does not require courtroom evidence standards. "Some evidence" is less than preponderance of evidence and far from beyond a reasonable doubt.

**Continued on page 14**

# Legal Lessons continued

## *Continued from page 13*

School administrators, athletic directors, and school boards should be cognizant of these principals when drafting a Good Conduct Policy and when evaluating whether or not a student has violated a Good Conduct Policy. A District's Good Conduct Policy need not be drafted with the precision of criminal code however it should be drafted well enough to put a student on notice of what behavior or actions could constitute a violation of that policy. Iowa Association of School Boards has a sample policy for districts that you can check out if you are a member.

Here are some examples of violations of Good Conduct Policies that have been upheld on review:

- 1) A student was found to be in possession of and forwarding nude and partially nude photos of another female student to other students in the school.
- 2) A student got caught stealing a trophy from the local county speedway and was found in violation of the policy even though the student had subsequently returned the stolen trophy.
- 3) A student was accused of using chewing tobacco and later "accidentally" admitting using chewing tobacco in violation of the local board policy.
- 4) A student admitted consuming three to four beers at his resident in the presence of and with the consent of his step-father.
- 5) Two students received a good conduct violation for being in the "mere presence" of alcohol.
- 6) A student was found to have violated the good conduct policy when they went on a personal trip in another country over the summer and drank alcohol in a country where they were legally old enough to drink.

Here are some State Board Cases on Good Conduct Violations:

[\*In re Student A, Good Conduct Violation, 27 D.o.E. App. Dec. 954 \(2016\).\*](#)

[\*In re Suspension of J.M., 27 D.o.E. App. Dec. 626 \(2015\).\*](#)

[\*In re T.B., 26 D.o.E. App. Dec. 483 \(2014\).\*](#)

[\*In re Good Conduct Discipline of Brandon M., 26 D.o.E. App. Dec. 192 \(2012\).\*](#)

[\*In re Travis Childs, 24 D.o.E. App. Dec. 186 \(2007\).\*](#)

[\*In re Jon and Josh Perry, 22 D.o.E. App. 175 \(2003\).\*](#)

[\*In re Scott Martin, 16 D.o.E. App. 252 \(1998\).\*](#)

## **Sexual Exploitation changes in the law**

This past legislative session the General Assembly passed changes to the current law on sexual exploitation of a minor by school employees. Specifically, there were changes made to the definition of a school employee. Under the old definition a school employee was defined as "a practitioner as defined in section 272.1 or a person issued a coaching authorization under section 272.31, subsection 1." Under the new definition the definition of a school employee is way more expansive and includes other part-time, full-time, or substitute employees, and it includes volunteers or contract staff with supervisory authority over a student. Here are the changes to the law as follows (changes are underlined):

*Continued on page 15*

# Legal Lessons continued

*Continued from page 14*

## **NEW**

f. (1) “School employee” means any of the following, except as provided in subparagraph (2):

(a) A person who holds a license, certificate, or statement of professional recognition issued under chapter 272.

(b) A person who holds an authorization issued under chapter 272.

(c) A person employed by a school district full-time, part-time, or as a substitute.

(d) A person who performs services as a volunteer for a school district **and** who has direct supervisory authority over the student with whom the person engages in conduct prohibited under subsection 3, paragraph “a”.<sup>1</sup>

(e) A person who provides services under a contract for such services to a school district **and** who has direct supervisory authority over the student with whom the person engages in conduct prohibited under subsection 3, paragraph “a”.

(2) “School employee” does not include a student enrolled in the school district.

A common question that we receive is whether or not a former student who gets his/her coaching license may continue to date a student at the school while coaching and the answer is no. There is no exception to a pre-existing relationship.

If you have any questions, contact Nicole Proesch at [nicole.proesch@iowa.gov](mailto:nicole.proesch@iowa.gov) or 515-281-8661 or your district’s legal counsel.

## **Administrative Rules update**

The State Board of Education at its Sept. 14 meeting approved the following Administrative Rules for Notice or for Adoption. These rules may be viewed at [Administrative Rules Calendar](#).

### **Adoption**

[Chapter 41 – Special Education and Chapter 14 – School Health Services](#)

### **Notice**

[Chapter 32 – High School Equivalency Diploma](#)

[Chapter 36 – Extracurricular Interscholastic Competition](#)

If you have any questions, contact Phil Wise at [phil.wise@iowa.gov](mailto:phil.wise@iowa.gov) or 515-281-4835 or Nicole Proesch at [nicole.proesch@iowa.gov](mailto:nicole.proesch@iowa.gov) or 515-281-8661.

## **Students with Disabilities**

For questions regarding students with disabilities, contact Thomas Mayes at 515-242-5614 or [thomas.mayes@iowa.gov](mailto:thomas.mayes@iowa.gov).

# Calendar

- Oct. 1 • SBRC application for Modified Supplemental Amount (MSA) for Limited English Proficient Excess Costs deadline
- Oct. 1 • Board resolutions for Whole Grade Share Supplemental Weighting
- Oct. 1 • Last date for an election to reorganize effective July 1 is December
- Oct. 2 • Fall SRI and Certified Enrollment application open
- Oct. 2 • Count date for Certified Enrollment
- Oct. 2 • Facilities, Elections and Sales Tax Data Collection due
- Oct. 2 • Facilities, Elections and Sales Tax Data Collection due
- Oct. 15 • Fall BEDS Staff deadline
- Oct. 15 • Certified Enrollment Certification deadline
- Oct. 15 • Fall SRI Certification deadline
- Oct. 15 • Fall BEDS deadline
- Oct. 15 • Last date to notify the SBRC if district incurred negative unspent balance
- Oct. 16 • Operational Sharing opens
- Oct. 30 • Operational Sharing deadline



*It is the policy of the Iowa Department of Education not to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, gender, disability, religion, age, political party affiliation, or actual or potential parental, family or marital status in its programs, activities, or employment practices as required by the Iowa Code sections 216.9 and 256.10(2), Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000d and 2000e), the Equal Pay Act of 1973 (29 U.S.C. § 206, et seq.), Title IX (Educational Amendments, 20 U.S.C. §§ 1681 – 1688), Section 504 (Rehabilitation Act of 1973, 29 U.S.C. § 794), and the Americans with Disabilities Act (42 U.S.C. § 12101, et seq.). If you have questions or grievances related to compliance with this policy by the Iowa Department of Education, please contact the legal counsel for the Iowa Department of Education, Grimes State Office Building, Des Moines, IA 50319-0146, telephone number 515/281-5295; or the Director of the Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661, telephone number 312-730-1560, fax 312/730-1576, e-mail: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)*



[www.educateiowa.gov](http://www.educateiowa.gov)

## Iowa Department of Education

400 E 14th Street  
Grimes State Office Building  
Des Moines, Iowa 50319  
Ph: 515-281-5294  
[www.educateiowa.gov](http://www.educateiowa.gov)